



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AUG 24 2007

William R. Caroselli, Esq.
Caroselli, Beachler, McTiernan & Conboy
312 Boulevard of the Allies, 8th Floor
Pittsburgh, PA 15222

RE: MUR 5780

Dear Mr. Caroselli:

This is in reference to the complaint you filed with the Federal Election Commission on August 1, 2006, concerning Santorum 2006, the Santorum Victory Committee, Senator Rick Santorum, and the Republican Federal Committee of Pennsylvania. On March 6, 2007, the Federal Election Commission reviewed the allegations in your complaint and found that on the basis of the information provided in your complaint, and information provided by the respondents, there is no reason to believe that Senator Rick Santorum and the Santorum Victory Committee and Keith Davis, in his official capacity as treasurer, violated the Act.

The Commission found that there was reason to believe Santorum 2006 and Gregg Melinson, in his official capacity as treasurer, violated 2 U.S.C. § 441d(c)(2), a provision of the Act, and 11 C.F.R. §§ 110.11 (c)(2)(ii) and 102.17(c)(1)-(2). On June 20, 2007, a conciliation agreement signed by Santorum 2006 was accepted by the Commission. The Commission also found that there was reason to believe that the Republican Federal Committee of Pennsylvania and Patricia Poprik, in her official capacity as treasurer, violated 11 C.F.R. § 102.17(c)(1)-(2). On July 23, 2007, a conciliation agreement signed by the Republican Federal Committee of Pennsylvania was accepted by the Commission. Accordingly, the Commission closed the file in this matter on July 23, 2007.

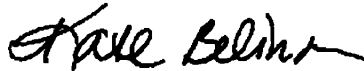
Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Copies of the agreements with Santorum 2006 and the Republican Federal Committee of Pennsylvania are enclosed for your information. Factual and Legal Analyses, which more fully explain the Commission's findings with respect to Senator Rick Santorum and the Santorum Victory Committee are also enclosed.

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William R. Caroselli
Page 2

If you have any questions, please contact me at (202) 694-1650.

Sincerely,



Kate Belinski
Attorney

Enclosures:
Conciliation Agreements (2)
Factual and Legal Analyses (2)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Santorum 2006 and
Gregg Melinson, in his
official capacity as treasurer

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MUR 5780

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by William R. Caroselli. The Federal Election Commission ("Commission") found reason to believe that Santorum 2006 and Gregg Melinson, in his official capacity as treasurer ("Respondents"), violated 11 C.F.R. § 102.17(c)(1)-(2), 2 U.S.C. § 441d(c)(2) and 11 C.F.R. § 110.11(c)(2)(ii).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Santorum 2006 was a political committee within the meaning of 2 U.S.C. § 431(4), and was Richard J. Santorum's authorized committee for his 2006 Senatorial race in Pennsylvania.

2. Gregg Melinson is the treasurer of Santorum 2006.

3. Pursuant to 11 C.F.R. § 102.17(c)(1), the participants in a joint fundraising activity shall enter into a written agreement that identifies the fundraising representative and states a formula for the allocation of fundraising proceeds. Further, the fundraising representatives shall retain the written agreement for a period of three and shall make it available to the Commission upon request.

4. Pursuant to 11 C.F.R. § 102.17(c)(2), a joint fundraising notice shall be included with every solicitation for contributions.

5. Respondents held a fundraising event on June 14, 2005, from 11 a.m. to 1 p.m. at a private residence in Pennsylvania, featuring President George Bush as the guest speaker. The Republican Federal Committee of Pennsylvania held an event on the same date, at the same time, at the same location, and with the same guest speaker. Respondents coordinated with the political committee regarding the logistics of the event, some of the vendors used, and the distribution of proceeds from the event.

6. Respondents failed to enter into a written joint fundraising agreement identifying the fundraising representative and stating a formula for the allocation of the joint fundraising proceeds.

7. Respondents failed to include a joint fundraising notice with every solicitation for contributions for the Santorum 2006 event held on June 14, 2005.

8. The Act requires that when a candidate's authorized political committee makes a disbursement for the purpose of financing a public communication through a mailing, or solicits any contributions through a mailing, such communication shall clearly state that the authorized political committee paid for the communication. See 2 U.S.C. § 441d(a)(1).

9. Any disclaimer in a printed communication described in 2 U.S.C. § 441d(a)(1) must be contained in a printed box set apart from the other contents of the communication.

2 U.S.C. § 441d(c)(2). *See also* 11 C.F.R. § 110.11(c)(2)(ii).

10. Respondents paid for a solicitation for a March 24, 2006 fundraiser at a private residence in Pennsylvania, featuring President George Bush as the guest speaker. The solicitation included the disclaimer "Paid for by Santorum 2006" in small font at the bottom of the invitation.

11. The disclaimer was not contained in a printed box set apart from the other contents of the communication.

V. Respondents violated 11 C.F.R. § 102.17(c)(1) by failing to enter into a written joint fundraising agreement identifying the fundraising representative and stating a formula for the allocation of the joint fundraising proceeds.

VI. Respondents violated 11 C.F.R. § 102.17(c)(2) by failing to include a joint fundraising notice with every solicitation for contributions for the Santorum 2006 event held on June 14, 2005.

VII. Respondents violated 2 U.S.C. § 441d(c)(2) and 11 C.F.R. § 110.11(c)(2)(ii) by failing to contain the disclaimer at the bottom of the March 24, 2006 fundraiser invitations within a printed box set apart from the other contents of the communication.

VIII. Respondents will cease and desist from violating 11 C.F.R. § 102.17(c)(1)-(2), 2 U.S.C. § 441(d)(c)(2), and 11 C.F.R. § 110.11(c)(2)(ii).

IX. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Six Thousand Five Hundred dollars (\$6,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

X. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

XI. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

XII. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XIII. This Conciliation Agreement constitutes the entire agreement among the parties on the matters raised herein, and no other statement, promise or agreement, either written or oral, made by any party or by agents of any party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION

Thomasenia P. Duncan
General Counsel

BY: 

Ann Marie Terzaken
Acting Associate General Counsel
for Enforcement

7/10/07
Date

FOR THE RESPONDENTS ^


Cleta Mitchell, Esq.
Counsel for Respondent Santorum 2006

5-16-07
Date

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Republican Federal Committee of Pennsylvania
and Patricia Poprik, in her
official capacity as treasurer

MUR 5780

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by William R. Caroselli. The Federal Election Commission ("Commission") found reason to believe that the Republican Federal Committee of Pennsylvania and Patricia Poprik, in her official capacity as treasurer ("Respondents"), violated 11 C.F.R. § 102.17(c)(1)-(2).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Republican Federal Committee of Pennsylvania is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Patricia Poprik is the treasurer of the Republican Federal Committee of Pennsylvania.

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COUNSEL

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3. Pursuant to 11 C.F.R. § 102.17(c)(1), the participants in a joint fundraising activity shall enter into a written agreement that identifies the fundraising representative and states a formula for the allocation of fundraising proceeds. Further, the fundraising representatives shall retain the written agreement for a period of three and shall make it available to the Commission upon request.

4. Pursuant to 11 C.F.R. § 102.17(c)(2), a joint fundraising notice shall be included with every solicitation for contributions.

5. Respondents held a fundraising event on June 14, 2005, from 11 a.m. to 1 p.m. at a private residence in Pennsylvania, featuring President George Bush as the guest speaker. Santorum 2006 held an event on the same date, at the same time, at the same location, and with the same guest speaker. Respondents coordinated with the political committee regarding the logistics of the event, some of the vendors used, and the distribution of proceeds from the event.

6. Respondents failed to enter into a written joint fundraising agreement identifying the fundraising representative and stating a formula for the allocation of the joint fundraising proceeds.

7. Respondents failed to include a joint fundraising notice with every solicitation for contributions for the Republican Federal Committee of Pennsylvania event held on June 14, 2005.

V. Respondents violated 11 C.F.R. § 102.17(c)(1) by failing to enter into a written joint fundraising agreement identifying the fundraising representative and stating a formula for the allocation of the joint fundraising proceeds.

VI. Respondents violated 11 C.F.R. § 102.17(c)(2) by failing to include a joint fundraising notice with every solicitation for contributions for the Santorum 2006 event held on June 14, 2005.

VII. Respondents will cease and desist from violating 11 C.F.R. § 102.17(c)(1)-(2).

VIII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Three Thousand Eight Hundred dollars (\$3,800), pursuant to 2 U.S.C. § 437g(a)(5)(A).

IX. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.


X. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

XI. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XII. This Conciliation Agreement constitutes the entire agreement among the parties on the matters raised herein, and no other statement, promise or agreement, either written or oral, made by any party or by agents of any party, that is not contained in this written agreement shall be enforceable.

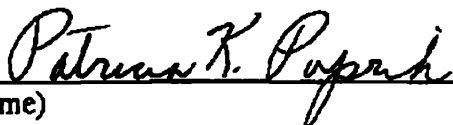
FOR THE COMMISSION

Thomasenia P. Duncan
Acting General Counsel

BY: 
Rhonda J. Vosdinger ANN MARIE TERZAKEN
Acting Associate General Counsel
for Enforcement

8/23/07
Date

FOR THE RESPONDENTS

x 
(Name)
(Position)

6-30-07
Date



6/30/07

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Santorum Victory Committee and MUR: 5780
Keith Davis, in his official
capacity as treasurer

I. INTRODUCTION

This matter was generated by a complaint filed with the Federal Election Commission by William R. Caroselli. *See* 2 U.S.C. § 437g(a)(1). The complaint asserts that the Santorum Victory Committee, a joint fundraising committee of Santorum 2006 and the Republican State Committee of Pennsylvania, failed to include the appropriate joint fundraising notices on a solicitation sent out in June 2006. *See* 11 C.F.R. § 102.17(c)(2).

II. FACTUAL AND LEGAL ANALYSIS

On May 8, 2006, the Santorum Victory Committee, a registered joint fundraising committee of Santorum 2006 and the Republican State Committee of Pennsylvania, sent out a solicitation for a June 13, 2006 breakfast featuring First Lady Laura Bush. The invitation "cordially invite[d]" the recipients to join Senator Santorum in welcoming First Lady Laura Bush at the breakfast reception. The invitation was forwarded with a personal letter from Senator Santorum asking "each Chairman to raise or give \$10,000." Included with the invitation was a reply card, as well as a separate two-sided card that contained a joint fundraising notice and contribution guidelines on one side, and an alternate allocation form on the other side. The joint fundraising notice contained a formula specifying how contributions to the Santorum Victory Committee would be allocated, but indicating that

[D]onor(s) may designate contributions in different amount(s) or to a specific Participant(s) and such earmarked contributions will be

allocated to the Participant(s) in the amount(s) specified by the donor, provided no contribution may exceed the contribution limits under federal law. The allocation formula may change if any contributor makes a contribution that would exceed the amount he or she may lawfully give to any participant.

The complaint alleges that the Santorum Victory Committee failed to include the appropriate joint fundraising disclaimers required under 11 C.F.R. § 102.17(c)(2) on the June 2006 fundraising event invitation. Respondents claim that the invitations included all of the requisite disclaimers for joint fundraising solicitations.

A joint fundraising solicitation must include an allocation formula and a statement informing contributors that they may designate an alternate allocation, and inform contributors that the allocation formula may change subject to contribution limits. 11 C.F.R. § 102.17(c)(2)(i)(B)-(D). Additionally, 11 C.F.R. § 102.17(c)(2)(ii)(B) requires that if one participating political committee can accept contributions that another participating political committee is prohibited from accepting, the solicitations must include a statement informing contributors that contributions from prohibited sources are only allocated to participants who can accept them.

A review of the invitation at issue reveals that it included all of the requisite disclaimers for joint fundraising solicitations. As detailed above, the solicitation package included a separate card, the front side of which includes a proper joint fundraising allocation notice, as well as notices which satisfy all of the requirements of 11 C.F.R. § 102.17(c)(2)(i)(B)-(D).

Furthermore, under Pennsylvania law, state political committees such as the RFCP are prohibited from accepting contributions from corporations, unincorporated associations (including labor unions) and banks. Thus, because neither Santorum 2006 nor the RFCP could accept contributions that the other was prohibited from accepting, the Santorum Victory

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Factual and Legal Analysis

Committee did not need to include a statement informing contributors that contributions from prohibited sources are only allocated to participants who can accept them, as required by 11 C.F.R. § 102.17(c)(2)(ii)(B). As a result, it appears that the Santorum Victory Committee's June 2006 solicitation complied with all of the requirements of the Act's corresponding regulations. Therefore, there is no reason to believe that the Santorum Victory Committee and Keith Davis, in his official capacity as treasurer, violated 11 C.F.R. § 102.17(c)(2).

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Rick Santorum

MUR: 5780

This matter was generated by a complaint filed with the Federal Election Commission by William R. Caroselli. *See* 2 U.S.C. § 437g(a)(1). Although the complaint named Senator Rick Santorum as a respondent, the complaint did not specifically allege, nor did any of the available information suggest, a basis for personal liability on the part of Senator Rick Santorum. Therefore, there is no reason to believe that Rick Santorum violated the Act.